

Order

Michigan Supreme Court
Lansing, Michigan

November 9, 2005

Clifford W. Taylor,
Chief Justice

129209

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 129209
COA: 252561
Van Buren CC: 03-013348-FH

MICHAEL FRANCIS WELSH,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 21, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reconsideration of the issue whether defendant's third-degree criminal sexual conduct convictions are supported by sufficient evidence in light of *People v Carlson*, 466 Mich 130, 140 (2002), and the applicable statutory text that requires "force or coercion." MCL 750.520d(1)(b) and MCL 750.520f(1)(i)-(v). In all other respects, leave to appeal is DENIED because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



s1102

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 9, 2005

Corbin R. Davis

Clerk